



STATE OF MARYLAND

# DHMH

Maryland Department of Health and Mental Hygiene

Martin O'Malley, Governor – Anthony G. Brown, Lt. Governor – Joshua M. Sharfstein M.D., Secretary

## Prevention and Health Promotion Administration

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Donna Gugel, MHS, Deputy Director

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Deborah B. McGruder, MPH, PMP, Director, Infectious Disease Bureau  
Clifford S. Mitchell, MS, MD, MPH, Director, Environmental Health Bureau  
Donald Shell, MD, MA, Director, Cancer and Chronic Disease Bureau

January 29, 2014

### VIA CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Abul K. Azad  
Resident Agent  
Shahi International Investments, Inc.  
2601 Sunshine Court  
Brookeville, MD 20833

Shagufta Azad  
2601 Sunshine Court  
Brookeville, MD 20833

Re: Cedar Mobile Home Park  
Hilltop Mobile Home Park

Dear Mr. & Mrs. Azad:

Enclosed please find orders from the Secretary of the Department of Health and Mental Hygiene related to Cedar Mobile Home Park and Hilltop Mobile Home Park in Maryland, Maryland.

Sincerely,

Clifford S. Mitchell, MS, MD, MPH  
Director, Environmental Health Bureau

201 W. Preston Street, Baltimore, Maryland 21201  
410-767-6742 • Fax 410-333-5995

Environmental Health Bureau

6 St. Paul Street, Suite 1301, Baltimore, Maryland 21202  
410-767-8400 • Fax 410-333-8931

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Web Site: <http://phpa.dhmh.maryland.gov>

Abul K. Azad, Shagufta Azad  
Re: Cedar Mobile Home Park, Hilltop Mobile Home Park

January 29, 2014  
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Encl.

cc: Joshua M. Sharfstein, M.D., Secretary  
Leland Spencer, M.D., M.P.H., Caroline County Health Officer  
Claire Pierson, Office of the Attorney General  
Margaret M. Witherup, Gordon Feinblatt, LLC

**IN THE MATTER OF**

**CEDAR MOBILE HOME PARK**

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**BEFORE THE MARYLAND  
DEPARTMENT OF HEALTH  
AND MENTAL HYGIENE**

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To: Shahi International Investments, Inc., Abul Azad, and Shagufta Azad

From: Joshua M. Sharfstein, M.D., Secretary  
Department of Health and Mental Hygiene

**ORDER TO CEASE OPERATION OF CEDAR MOBILE HOME PARK**

Pursuant to § 2-104(m) of the Health-General Article of the Annotated Code of Maryland and COMAR 10.16.02.02, I am directing you to cease operation of Cedar Mobile Home Park (Cedar) beginning on August 1, 2014, because you do not have a permit to operate a mobile home park, as required by COMAR 10.16.02.02, because you have failed to obtain a permit over many years, and because your failure to obtain a permit relates to previously-adjudicated and long-unaddressed health and environmental code violations.

**Background**

1. Under COMAR 10.16.02.02, “[i]t shall be unlawful for any person to operate a [mobile home] park without a permit issued annually” by the Department of Health and Mental Hygiene or another approving authority designated by the Department. The Caroline County Health Department is the Department’s designated approving authority for mobile home parks in Caroline County.

2. Shahi International Investments, Inc. (Shahi) is currently operating Cedar, a mobile home park located in Caroline County, without a permit. On July 29, 2010, the County Health Department denied Shahi's application for a permit. Shahi appealed from the County Health Department's decision to deny the permit, and a hearing was conducted before an administrative law judge at the Office of Administrative Hearings on November 10, 2010. The ALJ issued a decision affirming the permit denial on February 23, 2011. *See In Re: Cedar Mobile Home Park*, OAH No. DHMH-CHA-39-10-32924, Revised Decision (February 23, 2011) (ALJ Decision). The ALJ concluded that the County Health Department had properly denied the permit under multiple provisions of COMAR 10.16.02, which sets forth permit requirements for mobile home parks related to, among other things, sanitation, water supply, sewage disposal, garbage and refuse disposal, insect and rodent control, electrical service and exterior lighting, fuel storage, and safety and fire prevention. The ALJ observed that, as of 2010, the arsenic content in Cedar's water supply had exceeded permissible limits for at least a year. The ALJ's decision also described evidence of inadequacies in sewage disposal and garbage disposal, as well as various safety hazards.

3. The Board of Review of the Department of Health and Mental Hygiene affirmed the ALJ's findings of fact and conclusions of law. *See Case No. 11-21*.

4. Shahi petitioned for judicial review in the Circuit Court for Caroline County. *See In the Matter of Shahi International Investments, Inc.*, Case No. 05-



C-11-014853. On January 25, 2012, the circuit court issued a Memorandum Opinion and Order affirming the decision of the Board of Review. Shahi's further appeal to the Court of Special Appeals was dismissed on August 2, 2012.

5. With the 2012 dismissal of Shahi's appeal to the Court of Special Appeals, the ALJ's findings of fact and conclusion of law with respect to Cedar are final and not subject to further review. These findings and conclusions include the following:

a. Shahi purchased and began operating Cedar in 2005 and has operated Cedar without a permit since that time. The last permit to operate Cedar was issued to another owner in 2003 and expired in 2004. ALJ Decision at 3.

b. Shahi first applied for a permit to operate Cedar in 2010. As required by COMAR 10.16.02.02B, the County Health Department conducted an inspection. Numerous violations of health, sanitation, and environmental regulations were noted, including failure to comply with water supply system requirements; excess arsenic levels in the water supply dating from 2009 at latest; an inadequate wastewater treatment system that did not conform to Maryland Department of the Environment (MDE) requirements; insufficient garbage management facilities; and safety hazards related to an exposed telephone panel and electrical cord, unsecured areas at the wastewater treatment plant, and a drainage ditch containing contaminated water. *Id.* at 5. As required by COMAR

10.16.02.02B when a mobile home park does not meet sanitation requirements, the County Health Department denied the permit. While some of the violations had been corrected at the time of the hearing before the ALJ, the majority of the violations, including the violations relating to Cedar's inadequate water supply and wastewater treatment systems, still existed. *Id* at 6.

c. Cedar's water supply and wastewater treatment systems do not comply with Maryland's public health laws and regulations. COMAR 10.16.02.06A requires written permission of the Secretary of MDE for a private water supply to be used in a mobile home park. Cedar's water supply does not meet MDE's standards and, to date, MDE has not given written approval as required by COMAR 10.16.02.06A. Although Cedar's water appropriation permit has an expiration date of December 2014, the arsenic levels in the water exceed permissible levels, and the water system is being used without the permission of the Secretary of MDE.

d. COMAR 10.16.02.07A likewise requires written permission of the Secretary of MDE before a sewage disposal system may be used at a mobile home park. Before Shahi applied for the operating permit, the discharge permit for the park's wastewater treatment plant had expired in 2006 and was never renewed. *Id*. In July 2007, MDE issued an administrative complaint, order and penalty based on numerous permit violations. *Id* at 4. Although Shahi entered into a Consent Order with

MDE in 2008, it failed to install the necessary upgrades to the wastewater treatment plant by the specified time to prevent further pollution from the plant. *Id.* Shahi has spent approximately \$650,000 to upgrade the wastewater discharge system, but upgrades to the system were not completed by the deadline of April 15, 2009. *Id.* The system was non-compliant with the terms of the Consent Order as well as the discharge permit. Accordingly, the wastewater treatment plant at Cedar is inadequate under the 2008 MDE Consent Order and the expired MDE discharge permit. *Id.* at 5-6.

6. The ALJ rejected Shahi's argument that Cedar should be allowed to continue to operate since it had been operating without a permit since 2003, noting not only that already-operating mobile home parks were required to obtain yearly permit renewals, but also that there was "evidence of a growing pollution problem stemming from Cedar's inadequate wastewater treatment system." *Id.* at 14.

7. After Shahi's appeal was dismissed in August 2012, the County Health Department granted Shahi a grace period ending in August 2013 to bring Cedar's systems and operations into compliance. Shahi has not, to date, obtained a permit or corrected the previously-adjudicated code violations.

8. Shahi has exhausted all administrative remedies and available appeals of the County Health Department's decision to deny an operating permit for Cedar. Shahi is unlawfully operating Cedar without a permit and has done so continuously since its purchase of the park in 2005.



9. There is a shortage of affordable housing in Caroline County and surrounding areas, and many of the residents of Cedar may have limited English proficiency. The residents of Cedar need time, and assistance from either State agencies or community partners, to identify housing and transportation resources and to ensure continuity in children's school attendance. Therefore, I find that the public interest would be served if Cedar continued to operate for a limited period of time.

### **Order**

For these reasons, it is hereby

ORDERED that Shahi, and its successors and assigns, shall cease operating Cedar on August 1, 2014, unless Shahi before that date obtains a Mobile Home Park Operating Permit from the Caroline County Health Department; and it is further


ORDERED that Shahi, and its successors and assigns, shall not enter into any lease for a unit at Cedar after the date of this Order; and it is further

ORDERED that Shahi, and its successors and assigns, shall, at its expense, until August 1, 2014, operate Cedar in compliance with all laws and regulations applicable to the operation to the operation of the mobile home parks, including COMAR 10.16.02, and all prior judicial and regulatory orders applicable to the operation of Cedar; and it is further

ORDERED that Shahi, and its successors and assigns, shall provide a copy of this Order to the head of household in each of the occupied mobile homes at



Cedar and shall in no way restrict entry into Cedar by the County Health Department or any agency of the State of Maryland for the purposes of providing notice, education or assistance to Cedar residents or ensuring compliance with this Order.

  
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Joshua M. Sharfstein, M.D., Secretary  
Department of Health and Mental Hygiene

1/28/14  
Date

IN THE MATTER OF

HILLTOP MOBILE HOME PARK

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BEFORE THE MARYLAND  
DEPARTMENT OF HEALTH  
AND MENTAL HYGIENE

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To: Shahi International Investments, Inc., Abul Azad, and Shagufta Azad

From: Joshua M. Sharfstein, M.D., Secretary  
Department of Health and Mental Hygiene

**ORDER TO CEASE OPERATION OF HILLTOP MOBILE HOME PARK**

Pursuant to § 2-104(m) of the Health-General Article of the Annotated Code of Maryland and COMAR 10.16.02.02, I am directing you to cease operation of Hilltop Mobile Home Park (Hilltop) beginning on August 1, 2014, because you do not have a permit to operate a mobile home park, as required by COMAR 10.16.02.02, because you have failed to obtain a permit over many years, and because your failure to obtain a permit relates to previously-adjudicated and long-unaddressed health and environmental code violations.

**Background**

1. Under COMAR 10.16.02.02, “[i]t shall be unlawful for any person to operate a [mobile home] park without a permit issued annually” by the Department of Health and Mental Hygiene or another approving authority designated by the Department. The Caroline County Health Department is the Department’s designated approving authority for mobile home parks in Caroline County.

2. Shahi International Investments, Inc. (Shahi) is currently operating Hilltop, a mobile home park located in Caroline County, without a permit. On July 29, 2010, the County Health Department denied Shahi's application for a permit. Shahi appealed from the County Health Department's decision to deny the permit, and a hearing was conducted before an administrative law judge at the Office of Administrative Hearings on November 10, 2010. The ALJ issued a decision affirming the permit denial on February 23, 2011. *See In Re: Hilltop Mobile Home Park*, OAH No. DHMH-CHA-39-10-32837, Revised Decision (February 23, 2011) (ALJ Decision). The ALJ concluded that the County Health Department had properly denied the permit under multiple provisions of COMAR 10.16.02, which sets forth permit requirements for mobile home parks related to, among other things, sanitation, water supply, sewage disposal, garbage and refuse disposal, insect and rodent control, electrical service and exterior lighting, fuel storage, and safety and fire prevention. The ALJ's decision describes "serious[]" inadequacies in sewage disposal dating from 2006, at latest, as well as sewage connection deficiencies, garbage disposal violations, and safety hazards.

3. The Board of Review of the Department of Health and Mental Hygiene affirmed the ALJ's findings of fact and conclusions of law. *See Case No. 11-22*.

4. Shahi petitioned for judicial review in the Circuit Court for Caroline County. *See In the Matter of Shahi International Investments, Inc.*, Case No. 05-C-11-014852. On January 25, 2012, the circuit court issued a Memorandum

Opinion and Order affirming the decision of the Board of Review. Shahi's further appeal to the Court of Special Appeals was dismissed on August 2, 2012

5. With the 2012 dismissal of Shahi's appeal to the Court of Special Appeals, the ALJ's findings of fact and conclusion of law with respect to Hilltop are final and not subject to further review. These findings and conclusions include the following:

a. Shahi purchased and began operating Hilltop in 2005 and has operated Hilltop without a permit since that time. The last permit to operate Hilltop was issued to another owner in 2003 and expired in 2004. ALJ Decision at 3.

b. Shahi first applied for a permit to operate Hilltop in 2010. As required by COMAR 10.16.02.02B, the County Health Department conducted several inspections. Numerous violations of health, sanitation, and environmental regulations were noted, including an inadequate sewage disposal (septic) system that did not conform to Maryland Department of the Environment (MDE) requirements; insufficient garbage management facilities; uncontrolled weeds and grasses that could lead to rodent infestation; exposed water service and sewage connections at one unit; safety hazards related to unsecured lids on septic tanks and pumping chambers; and an open top to a seepage pit between two units. *Id.* at 5. As required by COMAR 10.16.02.02B when a mobile home park does not meet sanitation requirements, the County Health Department denied the



permit. While some of the violations had been corrected at the time of the hearing before the ALJ, several violations, including the violations relating to Hilltop's inadequate sewage disposal system, still existed. *Id.* at 6.

c. Hilltop's sewage disposal system does not comply with Maryland's public health laws and regulations. COMAR 10.16.02.07A requires written permission of the Secretary of MDE before a sewage disposal system may be used at a mobile home park. The system at Hilltop has not been approved by the Secretary of MDE. *Id.* at 4, 8. In 2006, the County Health Department issued an order to Shahi requiring the pumping and hauling of sewage. The 2006 order was intended to be a temporary measure, pending an upgrade of the sewage disposal system. *Id.* at 8. Shahi has not upgraded the system, and the temporary septic holding tanks are not watertight. *Id.* Discrepancies between water usage figures and amounts of sewage hauled indicate that sewage is escaping from the holding tanks and into the ground. *Id.* On October 21, 2010, MDE filed a Complaint for Preliminary Injunction, Permanent Injunction, and Civil Penalty against Shahi, based upon the failed sewage disposal system at Hilltop.

6. The ALJ rejected Shahi's argument that Hilltop should be allowed to continue to operate since it had been operating without a permit since 2003, noting not only that already-operating mobile home parks were required to obtain yearly

permit renewals, but also that there was “evidence of a growing pollution problem stemming from Hilltop’s failed septic system.” *Id.* at 12.

7. Shahi has exhausted all administrative remedies and available appeals of the County Health Department’s decision to deny an operating permit for Hilltop. Shahi is unlawfully operating Hilltop without a permit and has done so continuously since its purchase of the park in 2005.

8. There is a shortage of affordable housing in Caroline County and surrounding areas, and some of the residents of Hilltop may have limited English proficiency. The residents of Hilltop need time, and assistance from either State agencies or community partners, to identify housing and transportation resources and to ensure continuity in children’s school attendance. Therefore, I find that the public interest would be served if Hilltop continued to operate for a limited period of time.

### **Order**

For these reasons, it is hereby

ORDERED that Shahi, and its successors and assigns, shall cease operating Hilltop on August 1, 2014, unless Shahi before that date obtains a Mobile Home Park Operating Permit for Hilltop from the Caroline County Health Department; and it is further

ORDERED that Shahi, and its successors and assigns, shall not enter into any lease for a unit at Hilltop after the date of this Order; and it is further

ORDERED that Shahi, and its successors and assigns, shall, at its expense, until August 1, 2014, operate Hilltop in compliance with all laws and regulations applicable to the operation of mobile home parks, including COMAR 10.16.02, and all prior judicial and regulatory orders applicable to the operation of Hilltop; and be it further

ORDERED that Shahi, and its successors and assigns, shall provide a copy of this Order to the head of household in each of the occupied mobile homes at Hilltop and shall in no way restrict entry into Hilltop by the County Health Department or any agency of the State of Maryland for the purposes of providing notice, education, or assistance to Hilltop residents or ensuring compliance with this Order.



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Joshua M. Sharfstein, M.D., Secretary  
Department of Health and Mental Hygiene

1/28/14  
Date